

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	MDL No.: 1:13-md-2419-FDS
)	
This Document Relates to:)	
All Cases)	
_____)	
IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY CASES)	Master Docket No. 12-12052 - FDS
)	
This Document Relates to:)	
All Cases)	
_____)	

**ORDER (A) ESTABLISHING BRIEFING PROCEDURES AND SCHEDULE
REGARDING CHAPTER 11 TRUSTEE’S TRANSFER MOTION AND CERTAIN
MOTIONS TO WITHDRAW THE REFERENCE AND (B) APPROVING FORM AND
MANNER OF NOTICE OF THE CHAPTER 11 TRUSTEE’S TRANSFER MOTION**

Upon consideration of the Chapter 11 Trustee’s (the “Trustee”) motion [Doc. No. 37] (the “Trustee’s Transfer Motion”) seeking an order (the “Transfer Order”) to transfer to this Court pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 personal injury and wrongful death cases pending in various state and federal courts (the “Pending Actions”) as identified on Exhibit A to the memorandum [Doc. No. 38] (the “Memorandum”) in support of the Trustee’s Transfer Motion (as amended, the “Schedule of Pending Actions”);¹ the Trustee having filed an amended Schedule of Pending Actions on March 15, 2013 [Doc. No. 57] to include additional Pending Actions; the Court having held a hearing on March 12, 2013, regarding establishing: (a) procedures for responding (the “Briefing Procedures”) to the Trustee’s Transfer Motion; (b) a

¹ Capitalized terms used but not defined herein shall have the same meanings ascribed to them in the Trustee’s Transfer Motion and Memorandum.

schedule for responding (“Briefing Schedule”) to (i) the Trustee’s Transfer Motion, and (ii) the motions to withdraw the reference of Adversary Proceeding Nos. 13-10226, 13-10227, 13-10228, and 13-10229 (the “Adversary Proceedings”) from the United States Bankruptcy Court for the District of Massachusetts (the “Bankruptcy Court”) to this Court (the “Motions to Withdraw”); and (c) procedures for notifying parties of the Trustee’s Transfer Motion (the “Notice Procedures”) as it relates to the Pending Actions; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the following briefing procedures, schedule, and notice procedures shall be and are hereby approved:

(A) Briefing Procedures for the Trustee’s Transfer Motion

1. Parties, whether or not a party to a proceeding currently before this Court, who now or in the future may be subject to or affected by the relief requested in the Transfer Motion, are hereby permitted to intervene in order to respond to the relief sought in the Trustee’s Transfer Motion. Likewise, any such parties located outside of Massachusetts are hereby permitted to be represented by counsel in good standing in the state in which the party is located without the prior submission of an application for admission *pro hac vice* or retention of local counsel.

(B) Briefing Schedule for the Trustee’s Transfer Motion and the Motions to Withdraw

1. Any objections to the Trustee’s Transfer Motion shall be filed by **April 16, 2013**.
2. Any replies to objections to the Trustee’s Transfer Motion shall be filed by **____, 2013**.
3. Any objections to the motion of GDC Properties Management, LLC to withdraw the reference of certain of the Adversary Proceedings [Doc. No. 30] (the “GDC Transfer Motion”) shall be filed by **April 16, 2013**.
4. Any replies to objections to the GDC Transfer Motion shall be filed by **____, 2013**.

(C) Notice Procedures for the Trustee's Transfer Motion

1. Within five (5) business days of entry of this order (the "Procedures Order"), the Trustee shall serve upon the parties identified in subparagraph (2) below a notice substantially in the form attached hereto as Exhibit 1 (the "Pending Actions Notice"), along with a copy of the Procedures Order, the Trustee's Transfer Motion, the Memorandum and the Schedule of Pending Actions (but excluding Exhibits B and C to the Memorandum);
2. The Pending Actions Notice and related documents identified in the above subparagraph (1) (the "Related Documents")² shall be served upon the following:
 - a. Counsel for plaintiffs to the Pending Actions that have not received notice of the Trustee's Transfer Motion and Memorandum via CM/ECF Notice of Electronic Filing "ECF Notice";
 - b. Counsel for defendants in the Pending Actions that have not received ECF Notice;
 - c. Defendants in the Pending Actions, to the extent the identity of counsel is unknown;
 - d. All parties who have filed a notice of appearance in the Multidistrict Litigation pending in this Court, Case No. 13-2419, that have not received ECF Notice;
 - e. All parties who filed a notice of appearance in the consolidated action *Erkan v. New England Compounding Pharmacy, Inc. et. al*, pending in this Court, Case No. 12-12052, that have not received ECF Notice;
 - f. All parties who filed a notice of appearance in the action pending before the Judicial Panel on Multidistrict Litigation, Case No. 2419; and

² In lieu of serving the Related Documents, the Trustee may refer parties to the website maintained by the claims agent retained in the Debtor's bankruptcy case at <http://www.donlinrecano.com/cases/caseinfo/necp> and offer to mail paper copies, upon request.

- g. All parties who filed a notice of appearance in the Debtor's bankruptcy case pending in the Bankruptcy Court, Case No. 12-19882 (the "Bankruptcy Case").
3. The Trustee shall cause the Trustee's Transfer Motion, Memorandum, Schedule of Pending Actions, the Procedures Order and the proposed Transfer Order to be published on the website maintained by the claims agent in the Bankruptcy Case at <http://www.donlinrecano.com/cases/caseinfo/necp>.

Dated: March __, 2013
Boston, Massachusetts

Judge F. Dennis Saylor
United States District Court Judge